

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 ELENA L. ALMANZO
Deputy Attorney General
4 State Bar No. 131058
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 322-5524
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2013-903**

13 **DEBRA ANN LUZA**
12500 Calistoga Way
Austin, TX 78732

A C C U S A T I O N

14 **Registered Nurse License No. 764314**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing ("Board"),
21 Department of Consumer Affairs.

22 2. On or about December 16, 2009, the Board issued Registered Nurse License Number
23 764314 to Debra Ann Luza ("Respondent"). Respondent's registered nurse license expired on
24 July 31, 2011.

25 **STATUTORY PROVISIONS**

26 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that
27 the Board may discipline any licensee, including a licensee holding a temporary or

28 ///

1 an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
2 Nursing Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
4 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
5 to render a decision imposing discipline on the license. Under Code section 2811, subdivision
6 (b), the Board may renew an expired license at any time within eight years after the expiration.

7 5. Code section 2761 states, in pertinent part:

8 The board may take disciplinary action against a certified or licensed
9 nurse or deny an application for a certificate or license for any of the following:

10 (a) Unprofessional conduct . . .

11

12 (4) Denial of licensure, revocation, suspension, restriction, or any other
13 disciplinary action against a health care professional license or certificate by another
14 state or territory of the United States, by any other government agency, or by another
California health care professional licensing board. A certified copy of the decision
or judgment shall be conclusive evidence of that action . . .

15 COST RECOVERY

16 6. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
17 administrative law judge to direct a licentiate found to have committed a violation or violations of
18 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
19 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
20 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
21 included in a stipulated settlement.

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

1 **CAUSE FOR DISCIPLINE**

2 **(Disciplinary Actions by the Texas and Florida Boards of Nursing)**

3 7. Respondent is subject to disciplinary action pursuant to Code section 2761,
4 subdivision (a)(4), on the grounds of unprofessional conduct, in that she was disciplined by the
5 Texas Board of Nursing ("Texas Board") and the Florida Board of Nursing ("Florida Board"), as
6 follows:

7 a. On or about August 17, 2010, pursuant to the Agreed Order ratified and adopted by
8 the Texas Board in the disciplinary proceeding titled "In the Matter of Registered Nurse License
9 Number 688860 issued to Debra Ann Luza", the Texas Board reprimanded Respondent's Texas
10 registered license nurse, and ordered Respondent to comply with certain stipulations as well as
11 pay a monetary fine to the Board in the amount of \$500. A true and correct copy of the Agreed
12 Order is attached as **exhibit A** and incorporated herein.

13 b. On or about October 28, 2011, pursuant to the Final Order in the disciplinary
14 proceeding titled "Department of Health vs. Debra Ann Luza", Case No. 2010-16428, the Florida
15 Board suspended Respondent's Florida registered nurse license until she "personally appears
16 before the Board and can demonstrate her present ability to engage in the safe practice of
17 nursing". A true and correct copy of the Final Order is attached as **exhibit B** and incorporated
18 herein.

19 **PRAYER**

20 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
21 and that following the hearing, the Board of Registered Nursing issue a decision:

22 1. Revoking or suspending Registered Nurse License Number 764314, issued to Debra
23 Ann Luza;

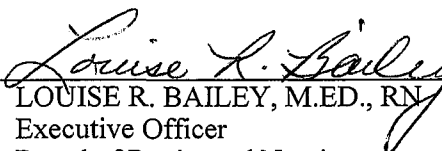
24 2. Ordering Debra Ann Luza to pay the Board of Registered Nursing the reasonable
25 costs of the investigation and enforcement of this case, pursuant to Business and Professions
26 Code section 125.3;

27
28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

3. Taking such other and further action as deemed necessary and proper.

DATED: April 10, 2013


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

SA2012106488

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT A

Agreed Order, Texas Board of Nursing

BEFORE THE TEXAS BOARD OF NURSING

In the Matter of Registered Nurse § AGREED
License Number 688860 §
issued to DEBRA ANN LUZA § ORDER

On this day the Texas Board of Nursing, hereinafter referred to as the Board, considered the matter of DEBRA ANN LUZA, Registered Nurse License Number 688860, hereinafter referred to as Respondent.

Information received by the Board produced evidence that Respondent may have violated Section 301.452(b)(10) & (13), Texas Occupations Code. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order offered on June 8, 2010, by Katherine A. Thomas, MN, RN, Executive Director, subject to ratification by the Board.

FINDINGS OF FACT

1. Prior to the institution of Agency proceedings, notice of the matters specified below in these Findings of Fact was served on Respondent and Respondent was given an opportunity to show compliance with all requirements of the law for retention of the license.
2. Respondent waived informal proceedings, notice and hearing, and agreed to the entry of this Order.
3. Respondent is currently licensed to practice professional nursing in the State of Texas.
4. Respondent received an Associate Degree in Nursing from Oklahoma State University Technical Branch, Oklahoma City, Oklahoma on December 16, 2001. Respondent was licensed to practice professional nursing in the State of Texas on July 25, 2002.
5. Respondent's professional nursing employment history includes:

07/02 - 04/04	RN	Seton Medical Center
		Austin, Texas

Respondent's professional nursing employment history continued:

03/04 - 08/04	RN	Medical Staffing Network Austin, Texas
05/04 - 02/06	RN	Girling Home Health Austin, Texas
02/06 - 12/06	RN	A Med Home Health Austin, Texas
12/06 - 07/08	RN	Texas Home Health Skilled Services Bastrop, Texas
08/08 - Present	Unknown	

6. On or about November 24, 2006, while employed with A Med Home Health, Austin, Texas, Respondent falsified medical records in that she documented skilled nursing visit reports for a patient without having visited the patient. Respondent's conduct was likely to injure the patient in that subsequent care givers would have inaccurate information on which to base their decisions to further administer care.
7. On or about November 25 and 27, 2006, while employed with A Med Home Health, Austin, Texas, Respondent falsified medical records in that she documented skilled nursing visit reports for Patient C.C. without having visited the patient. Respondent's conduct was likely to injure the patient in that subsequent care givers would have inaccurate information on which to base their decisions to further administer care.
8. On or about December 9, 2006, while employed with A Med Home Health, Austin, Texas, Respondent falsified medical records in that she documented skilled nursing visit reports for a patient without having visited the patient. Respondent's conduct was likely to injure the patient in that subsequent care givers would have inaccurate information on which to base their decisions to further administer care.
9. On or about June 25, 2008, while employed with Texas Home Health Skilled Services, Bastrop, Texas, Respondent falsified facility records in that she documented an Outcome Assessment Information Set (OASIS) for Patient B.P. as part of a skilled nurse discharge visit without having visited the patient. Respondent's conduct was likely to injure the patient in that subsequent care givers would have inaccurate information on which to base their decisions to further administer care.

10. On or about July 1, 2008, while employed with Texas Home Health Skilled Services, Bastrop, Texas, Respondent falsified facility records in that she documented an Outcome Assessment Information Set (OASIS) for Patient L.H. as part of a skilled nurse discharge visit without having visited the patient. Respondent's conduct was likely to injure the patient in that subsequent care givers would have inaccurate information on which to base their decisions to further administer care.
11. On or about July 1, 2008, while employed with Texas Home Health Skilled Services, Bastrop, Texas, Respondent falsified facility records in that she documented an Outcome Assessment Information Set (OASIS) for Patient E.R. as part of a skilled nurse discharge visit without having visited the patient. Patient E.R. was visited by a subsequent nurse from Texas Home Health Skilled Services on July 2, 2008, which resulted in the patient being transported to a hospital due to symptoms including, but not limited to; fever, poor appetite, and weakness, that she had been suffering from for the previous three (3) days. Respondent's conduct was likely to injure the patient in that subsequent care givers would have inaccurate information on which to base their decisions to further administer care.
12. On or about July 1, 2008, while employed with Texas Home Health Skilled Services, Bastrop, Texas, Respondent falsified facility records in that she documented an Outcome Assessment Information Set (OASIS) for a second patient whose initials were also E.R. as part of a skilled nurse discharge visit without having visited the patient. Respondent's conduct was likely to injure the patient in that subsequent care givers would have inaccurate information on which to base their decisions to further administer care.
13. Formal Charges were filed on May 28, 2010.
14. Formal Charges were mailed to Respondent on June 1, 2010.

CONCLUSIONS OF LAW

1. Pursuant to Texas Occupations Code, Sections 301.451-301.555, the Board has jurisdiction over this matter.
2. Notice was served in accordance with law.
3. The evidence received is sufficient to prove violations of Section 301.452(b)(10) & (13), Texas Occupations Code, 22 TEX. ADMIN. CODE §217.11(1)(D) and 22 TEX. ADMIN. CODE §217.12(1)(A), (4) & (6)(A).
4. The evidence received is sufficient cause pursuant to Section 301.452(b), Texas Occupations Code, to take disciplinary action against Registered Nurse License Number 688860, heretofore issued to DEBRA ANN LUZA, including revocation of Respondent's license to practice professional nursing in the State of Texas.

ORDER

IT IS THEREFORE AGREED and ORDERED, subject to ratification by the Texas Board of Nursing, that RESPONDENT SHALL receive the sanction of a REPRIMAND WITH STIPULATIONS, and RESPONDENT SHALL comply in all respects with the Nursing Practice Act, Texas Occupations Code, §§301.001 *et seq.*, the Rules and Regulations Relating to Nurse Education, Licensure and Practice, 22 TEX. ADMIN. CODE §211.1 *et seq.* and this Order.

IT IS FURTHER AGREED and ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice nursing in the State of Texas.

IT IS FURTHER AGREED and ORDERED that while Respondent's license is encumbered by this Order, Respondent may not work outside the State of Texas pursuant to a nurse licensure compact privilege without the written permission of the Texas Board of Nursing and the Board of Nursing in the party state where Respondent wishes to work.

IT IS FURTHER AGREED that:

(1) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in Texas nursing jurisprudence and ethics. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include nurses. It shall be a minimum of six (6) hours in length. The course's content shall include the Nursing Practice Act, standards of practice, documentation of care, principles of nursing ethics, confidentiality, professional boundaries, and the Board's Disciplinary Sanction Policies regarding: Sexual Misconduct; Fraud, Theft and Deception;

Nurses with Substance Abuse, Misuse, Substance Dependency, or other Substance Use Disorder; and Lying and Falsification. Courses focusing on malpractice issues will not be accepted. RESPONDENT SHALL CAUSE the sponsoring institution to submit a Verification of Course Completion form, provided by the Board, to the Office of the Board to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:* <http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>.

(2) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in physical assessment. RESPONDENT SHALL obtain Board approval of the course prior to enrollment. Home study courses and video programs will not be approved. In order for the course to be approved, the target audience shall include Nurses. The didactic portion of this course shall be a minimum of six (6) hours in length. RESPONDENT SHALL perform physical assessments on live patients in a clinical setting for a minimum of twenty-four (24) hours. The clinical component SHALL focus on tasks of physical assessment only and shall be provided by the same Registered Nurse who provides the didactic portion of this course. To be approved, the course shall cover all systems of the body. Performing assessments on mock patients or mannequins WILL NOT be accepted. The course description shall indicate goals and objectives for the course, resources to be utilized, and the methods to be used to determine successful completion of the course. RESPONDENT SHALL successfully complete both the didactic and clinical portions of the course to satisfy this stipulation. RESPONDENT SHALL CAUSE the instructor to submit a Verification of Course Completion form, provided by the Board, to the office of the Board to verify

RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address: <http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>.*

(3) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete a course in nursing documentation. RESPONDENT SHALL obtain Board approval of the course prior to enrollment only if the course is not being offered by a pre-approved provider. Home study courses and video programs will not be approved. The course shall be a minimum of six (6) hours in length of classroom time. In order for the course to be approved, the target audience shall include Nurses. The course shall include content on the following: nursing standards related to accurate and complete documentation; legal guidelines for recording; methods and processes of recording; methods of alternative record-keeping; and computerized documentation.

RESPONDENT SHALL cause the instructor to submit a Verification of Course Completion form, provided by the Board, to the Board's office to verify RESPONDENT'S successful completion of the course. This course shall be taken in addition to any other courses stipulated in this Order, if any, and in addition to any continuing education requirements the Board has for relicensure. *Board-approved courses may be found at the following Board website address:*

<http://www.bon.state.tx.us/disciplinaryaction/stipscourses.html>.

(4) RESPONDENT SHALL, within one (1) year of entry of this Order, successfully complete the course "Sharpening Critical Thinking Skills," a 3.6 contact hour online program provided by the National Council of State Boards of Nursing (NCSBN) Learning Extension. In order to receive credit for completion of this program, RESPONDENT SHALL SUBMIT the continuing

education certificate of completion for this program to the Board's office, to the attention of Monitoring. This course is to be taken in addition to any continuing education requirements the Board may have for relicensure. *Information regarding this workshop may be found at the following web address: <http://ncsbn.hivelive.com/hives/a0f6f3e8a0/summary>.*

(5) RESPONDENT SHALL pay a monetary fine in the amount of five hundred dollars (\$500.00). RESPONDENT SHALL pay this fine within forty-five (45) days of entry of this Order. Payment is to be made directly to the Texas Board of Nursing in the form of cashier's check or U.S. money order. Partial payments will not be accepted.

IT IS FURTHER AGREED, SHOULD RESPONDENT PRACTICE AS A NURSE IN THE STATE OF TEXAS, RESPONDENT WILL PROVIDE DIRECT PATIENT CARE AND PRACTICE IN A HOSPITAL, NURSING HOME, OR OTHER CLINICAL SETTING AND RESPONDENT MUST WORK IN SUCH SETTING A MINIMUM OF SIXTY-FOUR (64) HOURS PER MONTH UNDER THE FOLLOWING STIPULATIONS FOR TWO (2) YEARS OF EMPLOYMENT. THE LENGTH OF THE STIPULATION PERIOD WILL BE EXTENDED UNTIL SUCH TWENTY-FOUR (24) MONTHS HAVE ELAPSED. PERIODS OF UNEMPLOYMENT OR OF EMPLOYMENT THAT DO NOT REQUIRE THE USE OF A REGISTERED NURSE (RN) LICENSE WILL NOT APPLY TO THIS STIPULATION PERIOD:

(6) RESPONDENT SHALL notify each present employer in nursing of this Order of the Board and the stipulations on RESPONDENT'S license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each present employer within five (5) days of receipt of this Order. RESPONDENT

SHALL notify all future employers in nursing of this Order of the Board and the stipulations on RESPONDENT'S license. RESPONDENT SHALL present a complete copy of this Order and all Proposals for Decision issued by the Administrative Law Judge, if any, to each future employer prior to accepting an offer of employment.

(7) RESPONDENT SHALL CAUSE each present employer in nursing to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within ten (10) days of receipt of this Order. RESPONDENT SHALL CAUSE each future employer to submit the Notification of Employment form, which is provided to the Respondent by the Board, to the Board's office within five (5) days of employment as a nurse.

(8) For the first year of employment as a Nurse under this Order, RESPONDENT SHALL be directly supervised by a Registered Nurse. Direct supervision requires another professional to be working on the same unit as RESPONDENT and immediately available to provide assistance and intervention. RESPONDENT SHALL work only on regularly assigned, identified and predetermined unit(s). The RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(9) For the remainder of the stipulation period, RESPONDENT SHALL be supervised by a Registered Nurse who is on the premises. The supervising nurse is not required to be on the same unit or ward as RESPONDENT, but should be on the facility grounds and readily available to provide assistance and intervention if necessary. The supervising nurse shall have a minimum of two (2) years experience in the same or similar practice setting to which the Respondent is currently working. RESPONDENT SHALL work only regularly assigned, identified and predetermined

unit(s). RESPONDENT SHALL NOT be employed by a nurse registry, temporary nurse employment agency, hospice, or home health agency. RESPONDENT SHALL NOT be self-employed or contract for services. Multiple employers are prohibited.

(10) RESPONDENT SHALL CAUSE each employer to submit, on forms provided to the Respondent by the Board, periodic reports as to RESPONDENT'S capability to practice nursing. These reports shall be completed by the Registered Nurse who supervises the RESPONDENT. These reports shall be submitted by the supervising nurse to the office of the Board at the end of each three (3) month period for two (2) years of employment as a nurse.

IT IS FURTHER AGREED, that upon full compliance with the terms of this Order, all encumbrances will be removed from RESPONDENT'S license to practice nursing in the State of Texas and RESPONDENT shall be eligible for nurse licensure compact privileges, if any.

BALANCE OF THIS PAGE INTENTIONALLY LEFT BLANK.

CONTINUED ON NEXT PAGE.

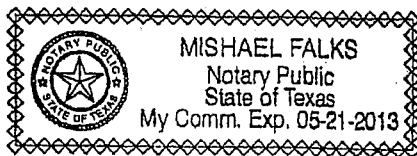
RESPONDENT'S CERTIFICATION

I understand that I have the right to legal counsel prior to signing this Agreed Order. I have reviewed this Order. I neither admit nor deny the violations alleged herein. By my signature on this Order, I agree to the Findings of Fact, Conclusions of Law, Order, and any conditions of said Order, to avoid further disciplinary action in this matter. I waive judicial review of this Order. I understand that this Order is subject to ratification by the Board. When this Order is ratified, the terms of this Order become effective, and a copy will be mailed to me. I understand that if I fail to comply with all terms and conditions of this Order, I will be subject to investigation and disciplinary sanction, including revocation of my license to practice professional nursing in the State of Texas, as a consequence of my noncompliance.

Signed this 28 day of June, 2010.

DEBRA ANN LUZA, Respondent

Sworn to and subscribed before me this 28th day of June, 2010.



Mishael Falks
Notary Public in and for the State of Texas


Approved as to form and substance.

LOUIS LEICHTER, Attorney for Respondent

Signed this _____ day of _____, 20____.

WHEREFORE, PREMISES CONSIDERED, the Texas Board of Nursing does hereby ratify and adopt the Agreed Order that was signed on the 28th day of June, 20 10, by DEBRA ANN LUZA, Registered Nurse License Number 688860, and said Order is final.

Effective this 17th day of August, 20 10.


Katherine A. Thomas, MN, RN
Executive Director on behalf
of said Board

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

EXHIBIT B

Final Order, Florida Board of Nursing, Case No. 2010-16428



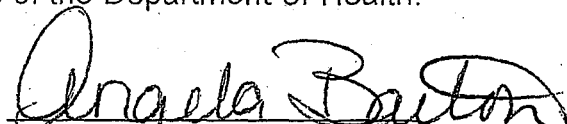
Rick Scott
Governor

H. Frank Farmer, Jr., M.D., Ph.D. FACP.
State Surgeon General

CERTIFICATION

I, Angela Barton, Deputy Agency Clerk and Custodian of Records, HEREBY certify the following to be true and correct as on file with the Department of Health.

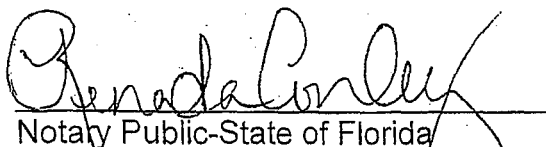
Attached is a true and correct copy of a **Final Order from Case Number 2010-16428**, as maintained by the Department of Health. The attached is a regularly received and retained record of the **Board of Nursing vs Debra Luza; RN9300045** and is received and retained in the ordinary course of business of the Department of Health.


Angela Barton
Deputy Agency Clerk

STATE OF FLORIDA
COUNTY OF LEON

Before me, personally appeared Angela Barton whose identity is personally known to me as Deputy Agency Clerk, and who, acknowledges that his/her signature appears above.

Sworn and subscribed to, before me, this 14th day of December 2011.


Notary Public-State of Florida



Type or Print Name

STATE OF FLORIDA
BOARD OF NURSING

Angela Sanchez
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

Case No.: 2010-16428

License No.: RN 9300045

DEBRA ANN LUZA,

Respondent.

FINAL ORDER

This matter appeared before the Board of Nursing at a duly-noticed public meeting on October 7, 2011 in Jacksonville, Florida, for a hearing not involving disputed issues of material fact pursuant to Sections 120.569 and 120.57(2), Florida Statutes. Petitioner has filed an Administrative Complaint seeking disciplinary action against the license. A copy of the Administrative Complaint is attached to and made a part of this Final Order. Service of the Administrative Complaint was made upon Respondent by personal service. Respondent has not filed an Election of Rights. Petitioner has filed a Motion for Determination of Waiver and Entry of Final Order. Petitioner was represented by William Miller, Assistant General Counsel, Florida Department of Health. Respondent was not present.

FINDINGS OF FACT

Since the licensee has not replied to the Administrative Complaint nor contested the factual allegations, the prosecuting

attorney offered the investigative file to prove the facts as alleged. The investigative file was received into evidence and the Board finds the uncontested facts adequately support the allegations. Therefore, the Board adopts as its finding of facts the facts set forth in the Administrative Complaint.

CONCLUSIONS OF LAW

Based upon the Findings of Fact, the Board concludes the licensee has violated Section 464.018(1)(b), Florida Statutes.

The Board is empowered by Sections 464.018(2) and 456.072(2), Florida Statutes, to impose a penalty against the licensee. Therefore it is ORDERED that:

The licensee must pay an administrative fine of \$ and investigative costs of \$401.86 prior to reinstatement of her license. Payment shall be made to the Board of Nursing and mailed to, DOH-Compliance Management Unit, 4052 Bald Cypress Way, Bin C-06, Tallahassee, Florida 32399-3276, Attention: Nursing Compliance Officer. Payment must be made by cashier's check or money order ONLY. Personal checks will not be accepted.

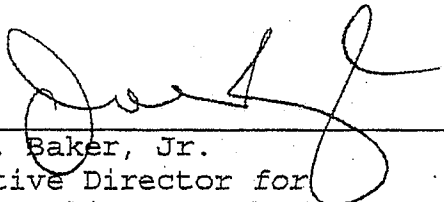
The licensee is suspended until she personally appears before the Board and can demonstrate her present ability to engage in the safe practice of nursing. Within 30 days she shall return her license to the Board office, 4053 Bald Cypress Way, Bin C02, Tallahassee, Florida 32399-3252 or shall surrender the license to an investigator of the Department of Health. The

licensee shall immediately inform the employer in writing regarding the suspension with a copy to the Board office. The Board reserves the right to impose reasonable conditions of reinstatement at the time the licensee appears before the Board to demonstrate her present ability to engage in the safe practice of nursing.

This Final Order shall become effective upon filing with the Clerk of the Department of Health.

DONE AND ORDERED this 28th day of Oct, 2011.

BOARD OF NURSING



Joe R. Baker, Jr.
Executive Director for
Jessie Colin, RN, PhD, CHAIR

NOTICE OF APPEAL RIGHTS

Pursuant to Section 120.569, Florida Statutes, the parties are hereby notified that they may appeal this Final Order by filing one copy of a notice of appeal with the clerk of the department and by filing a filing fee and one copy of a notice of appeal with the District Court of Appeal within thirty days of the date this Final Order is filed.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail and certified mail, return receipt requested to DEBRA ANN LUZA, 12500 Calistoga Way,

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2010-16428

DEBRA ANN LUZA, R.N.,

RESPONDENT.

ADMINISTRATIVE COMPLAINT

COMES NOW, Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Nursing against Respondent, Debra Ann Luza, R.N., and in support thereof alleges:

1. Petitioner is the state department charged with regulating the practice of nursing pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 464, Florida Statutes.

2. At all times material to this Administrative Complaint, Respondent was a licensed registered nurse (R.N.) within the state of Florida, having been issued license number RN 9300045.

3. Respondent's address of record is 12500 Calistoga Way, Austin, Texas 78732.

4. On or about August 17, 2010, the Texas Board of Nursing filed an Agreed Order which disciplined Subject's nursing license.

5. The Texas Board of Nursing is the licensing authority for registered nurses in the State of Texas.

6. Section 464.018(1)(b), Florida Statutes (2010), provides that having a license to practice nursing revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of another state, territory or country constitutes grounds for disciplinary action.

7. As set forth above, Respondent had a license to practice nursing revoked, suspended, or otherwise acted against when the Texas Board of Nursing filed an Agreed Order which disciplined Subject's nursing license.

8. Based upon the foregoing, Respondent has violated Section 464.018(1)(b), Florida Statutes (2010), by having a license to practice nursing revoked, suspended, or otherwise acted against, including the

denial of licensure, by the licensing authority of another state, territory or country which constitutes grounds for disciplinary action.

WHEREFORE, the Petitioner respectfully requests that the Board of Nursing enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 24th day of March, 2011.

State Surgeon General

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK *Sandra Soto*
DATE MAR 25 2011

3/24/11
C. HORNE & L. HORTON

Casey L. Cowan
Casey L. Cowan
Assistant General Counsel
DOH Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, Florida 32399-3265
Florida Bar Number 0035536
(850) 245 - 4640 Telephone
(850) 245 - 4683 Facsimile

/CLC

PCP:
PCP Members:

Department of Health v. Debra Ann Luza, R.N.
Case Number 2010-16428
J:\PSU\Nursing\Cowan, Casey\Drafted ACs\Out of State Violations\Luza, Debra (RN, out of state).doc

3

51700

NOTICE OF RIGHTS

Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.

NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.